

PROPOSED
SENATE AMENDMENTS TO H.B. 2623
(Reference to House engrossed bill)

1 Page 1, after line 35, insert:

2 "Sec. 2. Section 13-3212, Arizona Revised Statutes, is amended to
3 read:

4 13-3212. Child sex trafficking; classification; increased
5 punishment; definition

6 A. A person WHO IS AT LEAST EIGHTEEN YEARS OF AGE commits child sex
7 trafficking by knowingly:

8 1. Causing any minor to engage in prostitution.

9 2. Using any minor for the purposes of prostitution.

10 3. Permitting a minor who is under the person's custody or control
11 to engage in prostitution.

12 4. Receiving any benefit for or on account of procuring or placing a
13 minor in any place or in the charge or custody of any person for the
14 purpose of prostitution.

15 5. Receiving any benefit pursuant to an agreement to participate in
16 the proceeds of prostitution of a minor.

17 6. Financing, managing, supervising, controlling or owning, either
18 alone or in association with others, prostitution activity involving a
19 minor.

20 7. Transporting or financing the transportation of any minor with
21 the intent that the minor engage in prostitution.

22 8. Providing a means by which a minor engages in prostitution.

23 9. Enticing, recruiting, harboring, providing, transporting, making
24 available to another or otherwise obtaining a minor with the intent to

1 cause the minor to engage in prostitution or any sexually explicit
2 performance.

3 10. Enticing, recruiting, harboring, providing, transporting, making
4 available to another or otherwise obtaining a minor with the knowledge that
5 the minor will engage in prostitution or any sexually explicit performance.

6 B. A person who is at least eighteen years of age commits child sex
7 trafficking by knowingly:

8 1. Engaging in prostitution with a minor who is under fifteen years
9 of age.

10 2. Engaging in prostitution with a minor who the person knows or
11 should have known is fifteen, sixteen or seventeen years of age.

12 3. Engaging in prostitution with a minor who is fifteen, sixteen or
13 seventeen years of age.

14 C. It is not a defense to a prosecution under subsection A and
15 subsection B, paragraphs 1 and 2 of this section that the other person is a
16 peace officer posing as a minor or a person assisting a peace officer
17 posing as a minor.

18 D. Notwithstanding any other law, a sentence imposed on a person for
19 a violation of this section shall be consecutive to any other sentence
20 imposed on the person at any time.

21 E. Child sex trafficking pursuant to subsection A of this section is
22 a class 2 felony if the minor is under fifteen years of age and is
23 punishable pursuant to section 13-705.

24 F. Child sex trafficking pursuant to subsection B, paragraph 1 of
25 this section is a class 2 felony and is punishable pursuant to section
26 13-705.

27 G. Except as provided in subsection H of this section, if the minor
28 is fifteen, sixteen or seventeen years of age, child sex trafficking
29 pursuant to subsection A of this section is a class 2 felony, the person
30 convicted shall be sentenced pursuant to this section and the person is not
31 eligible for suspension of sentence, probation, pardon or release from
32 confinement on any basis except as specifically authorized by section

1 31-233, subsection A or B until the sentence imposed by the court has been
2 served or commuted. The presumptive term may be aggravated or mitigated
3 within the range under this section pursuant to section 13-701, subsections
4 C, D and E. The terms are as follows:

5 1. The term for a first offense is as follows:

<u>Minimum</u>	<u>Presumptive</u>	<u>Maximum</u>
13 years	20 years	27 years

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8 2. The term for a defendant who has one historical prior felony
9 conviction is as follows:

<u>Minimum</u>	<u>Presumptive</u>	<u>Maximum</u>
25 years	35 years	45 years

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12 3. The term for a defendant who has two or more historical prior
13 felony convictions is as follows:

<u>Minimum</u>	<u>Presumptive</u>	<u>Maximum</u>
30 years	40 years	50 years

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16 H. If the person has previously been convicted of child sex
17 trafficking involving a minor who is fifteen, sixteen or seventeen years of
18 age, child sex trafficking pursuant to subsection A of this section is a
19 class 2 felony, the person convicted shall be sentenced pursuant to this
20 section and the person shall be sentenced to imprisonment in the custody of
21 the state department of corrections for natural life. A person who is
22 sentenced to natural life is not eligible for commutation, parole, work
23 furlough, work release or release from confinement on any basis for the
24 remainder of the person's natural life.

25 I. If the minor is fifteen, sixteen or seventeen years of age, child
26 sex trafficking pursuant to subsection B, paragraph 2 of this section is a
27 class 2 felony, the person convicted shall be sentenced pursuant to this
28 section and the person is not eligible for suspension of sentence,
29 probation, pardon or release from confinement on any basis except as
30 specifically authorized by section 31-233, subsection A or B until the
31 sentence imposed by the court has been served or commuted. The presumptive
32 term may be aggravated or mitigated within the range under this section

1 pursuant to section 13-701, subsections C, D and E. The terms are as
2 follows:

3 1. The term for a first offense is as follows:

<u>Minimum</u>	<u>Presumptive</u>	<u>Maximum</u>
7 years	10.5 years	21 years

6 2. The term for a defendant who has one historical prior felony
7 conviction is as follows:

<u>Minimum</u>	<u>Presumptive</u>	<u>Maximum</u>
14 years	15.75 years	28 years

10 3. The term for a defendant who has two or more historical prior
11 felony convictions is as follows:

<u>Minimum</u>	<u>Presumptive</u>	<u>Maximum</u>
21 years	28 years	35 years

14 J. Except as provided in subsection K of this section, child sex
15 trafficking pursuant to subsection B, paragraph 3 of this section is a
16 class 5 felony. If the court sentences the person to a term of probation,
17 the court shall order that as an initial term of probation the person be
18 imprisoned in the county jail for not less than one hundred eighty
19 consecutive days. This jail term shall commence on the date of
20 sentencing. The court may suspend ninety days of the jail sentence if the
21 person has not previously been convicted of a violation of this section, a
22 violation of section 13-3214 or a violation of any city or town ordinance
23 that prohibits prostitution and that has the same or substantially similar
24 elements as section 13-3214 and the person successfully completes an
25 appropriate court ordered education or treatment program.

26 K. If the person has previously been convicted of child sex
27 trafficking or attempted child sex trafficking pursuant to this section,
28 child sex trafficking pursuant to subsection B, paragraph 3 of this section
29 is a class 2 felony and the person is not eligible for suspension of
30 sentence, probation, pardon or release from confinement on any basis except
31 as specifically authorized by section 31-233, subsection A or B until the
32 sentence imposed has been served or commuted.

1 L. This section does not preclude the state from alleging and
2 proving any other sentencing enhancements as provided by law.

3 M. IT IS A DEFENSE TO A PROSECUTION PURSUANT TO SUBSECTION A OR B OF
4 THIS SECTION IF THE COURT FINDS BY CLEAR AND CONVINCING EVIDENCE THAT THE
5 PERSON'S PARTICIPATION IN THE OFFENSE WAS A DIRECT RESULT OF BEING A VICTIM
6 OF SEX TRAFFICKING PURSUANT TO THIS SECTION OR SECTION 13-1307.

7 ~~M.~~ N. For the purposes of this section, "sexually explicit
8 performance" means a live or public act or show intended to arouse or
9 satisfy the sexual desires or appeal to the prurient interest of patrons."

10 Amend title to conform

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